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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,057	11/14/2003	Victor V. Nazarov	A-72244/AJ (463031-141)	3191
7590 12/20/2005			EXAMINER	
Aldo D. Test			WU, SHEAN CHIU	
DORSEY & W Suite 3400	HITNEY LLP	ART UNIT	PAPER NUMBER	
4 Embarcadero	Center	1756		
San Francisco, CA 94111			DATE MAILED: 12/20/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/714,057	NAZAROV ET AL.				
Office Action Summary	Examiner	Art Unit				
	Shean C. Wu	1756				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet v	vith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING.  - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory properties to reply within the set or extended period for reply will, by some any reply received by the Office later than three months after the rearned patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUN FR 1.136(a). In no event, however, may a n. eriod will apply and will expire SIX (6) MC statute, cause the application to become A	ICATION. I reply be timely filed INTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 1	13 October 2005.					
•—	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ⊠ Claim(s) <u>1-26</u> is/are pending in the applica 4a) Of the above claim(s) is/are with 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1 and 3-26</u> is/are rejected. 7) ⊠ Claim(s) <u>2</u> is/are objected to. 8) □ Claim(s) are subject to restriction a	ndrawn from consideration.					
Application Papers						
9) The specification is objected to by the Exar	miner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:  1. Certified copies of the priority document of the copies of the priority document of the certified copies of the application from the International But * See the attached detailed Office action for a certified copies of the application from the International But * See the attached detailed Office action for a certified copies of the attached detailed Office action for a certified copies of the attached detailed Office action for a certified copies of the priority document of the priority	nents have been received. nents have been received in priority documents have bee ureau (PCT Rule 17.2(a)).	Application No n received in this National Stage				
Attachment(s)	<b>∧</b> □					
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SI Paper No(s)/Mail Date</li> </ol>	Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application (PTO-152)				

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#### **DETAILED ACTION**

#### Claim Rejections - 35 USC § 112

1. Claims 1 and 3-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are not clearly defined because the present <u>sulfonated</u> compound should contain at least one  $SO_3H$  group, which can be at peripheral substituents  $(X_{1-8})$  and/or  $n \neq 0$  or the present compound contains a  $-SO_2$ - or  $-SO_2$ -O between  $Z_1$  and  $Z_2$ .

In Claim 26, the formulae IIa, II-b, II-c, III-a and III-b are not compassed by the formulae I-III because the compound require having at least one –OH group.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claim 7 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, 35 U.S.C. 103(a) as being unpatentable over Gvon et al. (US 5,739,296 or 6,174,394).

The reference discloses that a dichroic polarizer comprising a water soluble organic dyestuff of formula (CHROMOGEN) (SO<sub>3</sub>M)<sub>n</sub> (I) in which the CHROMOGEN is such that the dyestuff is capable of existing in a stable liquid crystalline phase to form a lyotropic liquid crystal system and M = a cation and that is oriented in a predetermined direction to enable the dyestuff to polarize light transmitted through the dyestuff. The dichroic polarizer has high polarizing characteristics together with good light-fastness and heat resistance, and can be prepared without an external orienting influence e.g. by rubbing or electric or magnetic field. The reference dyestuffs of the formula I and their mixture are used as a film-forming component in the material for polarizing coating. The compound of formula III with sub structure b) with n=2-3 encompasses the present formula I. The (SO<sub>3</sub>M)<sub>n</sub> group can attach to any available positions in core structure. The M can be H<sup>+</sup>, Li<sup>+</sup>, K<sup>+</sup> and Cs<sup>+</sup>. Also see col. 4, lines 60-64. The concentration range of the reference dyestuffs is described on col. 5, lines 55-64. See Example 3, table 1 for formula III with A=b and claim 4.

Because the reference compounds anticipate the claimed compound, therefore, the reference compound will inherent the same properties of the present compound, which is capable of forming an at least partially crystalline film.

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If not anticipated, it would have been obvious to those skilled in the art to utilize the reference teaching by using the example 4 having n=2 or 3 to arrive at the claimed invention.

5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Response to Arguments

- 6. Applicant's arguments filed 10/13/05, with respect to the rejections of claims in the previous Office action have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in the sections 1 and 4 above.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C. Wu whose telephone number is 571-272-1393. The examiner can normally be reached on 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shean C Wu

Primary Examiner
Art Unit 1756

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